

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ANTONIO ORTIZ,
Plaintiff,

v.

LAURA CAMPOS, et al.,
Defendants.

No. 1:23-cv-00398 JLT GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS MATTER SHOULD NOT
BE DISMISSED FOR FAILURE TO
PROSECUTE AND FOR FAILURE TO OBEY
A COURT ORDER

(ECF No. 14)

PLAINTIFF'S SHOWING OF CAUSE OR
AMENDED COMPLAINT DUE **MAY 24,**
2024

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to prosecute and for failure to obey a court order. He will be given thirty days to do so.

I. BACKGROUND

On March 11, 2024, the Court screened Plaintiff's complaint and directed Plaintiff to file an amended complaint. ECF No. 14 at 9. At that time, Plaintiff was given thirty days to do so. See id. More than thirty days have passed, and Plaintiff has neither filed an amended complaint,

nor has he requested an extension of time to comply with the Court's order.

II. DISCUSSION

Both the Court and the public have an interest in the disposal of cases in an expedient manner. See generally Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998) (presuming public has interest in expeditious litigation). Plaintiff's failure to file an amended complaint as ordered has stalled this process, and it warrants the Court issuing an order directing him to show cause why this matter should not be dismissed for failure to prosecute and for failure to obey a court order. He will be given thirty days to do so. As an alternative to Plaintiff filing a showing of cause, within the same thirty-day period, Plaintiff may instead file the first amended complaint as he was previously ordered to do.

Accordingly, IT IS HEREBY ORDERED that:

1. Within thirty days from the date of this order – **by May 24, 2024**, – Plaintiff shall SHOW CAUSE why this matter should not be dismissed for failure to prosecute and for failure to obey a court order, and

2. As an alternative to file a showing of cause, Plaintiff may file an amended complaint.

Plaintiff is cautioned that failure to comply with this order within the time allotted may result in a recommendation that this matter be dismissed.

IT IS SO ORDERED.

Dated: **April 25, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE